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10/528,175

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Fernando Incertis Carro

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EXAMINER

LENNOX, NATALIE

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,175	<b>Applicant(s)</b> CARRO, FERNANDO INCERTIS	
	<b>Examiner</b> NATALIE LENNOX	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/17/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 21, 27, 29, 31, 32, and 35 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17, 19, 20, 21, 27, and 29 of copending Application No. 10/477,865. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope claiming methods, system, and computer programs for retrieving hyperlinks related to topics in a broadcast.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Instant Application

Application 10/477,865

<p>Claims 21 and 29. A method and computer program for generating a Speech Hyperlink-Time table in conjunction with a system of universal time that provides a same absolute time for every geographical location on Earth, said method comprising:</p> <p>providing a Speech Hyperlink table comprising a plurality of entries, each entry of the plurality of entries comprising a hyperlinked term and a corresponding network address of a network, said network address linking the hyperlinked term to information relating to the hyperlinked term</p> <p>Claim 27. The method of claim 21, wherein the speech is comprised by a radio program or a television program.</p>	<p>Claims 17 and 34. A method and computer program product of retrieving hyperlinks related to topics selected in a program broadcast on a channel, comprising:</p>
<p>(Claim 27). The method of claim 21, wherein the speech is comprised by a radio program or a television program.</p> <p>(Claims 21 and 29). generating a record in the Speech Hyperlink-Time table, said record</p>	<p>(Claims 17 and 34). identifying the channel that is broadcasting the program;</p> <p>and creating a universal-time table for the identified channel, the universal-time table comprising an identification of the channel,</p>

comprising the universal time, the recognized hyperlinked term, and the network address that corresponds to the recognized hyperlinked term.	an address for accessing the information associated with the at least one hyperlink and/or a name designating the channel, being located at a receiver side on a user device
<p>(Claims 21 and 29). while a speech is being spoken by a speaker, recognizing each hyperlinked term of the Speech Hyperlink table being spoken by the speaker, said recognizing being performed by a speech recognition system on a computing device, and for each recognized hyperlinked term:</p> <p>determining a universal time at which the hyperlinked term was recognized;</p> <p>ascertaining, from the Speech Hyperlink table, a network address that corresponds to the recognized hyperlinked term; and generating a record in the Speech Hyperlink-Time table, said record comprising the universal time, the recognized hyperlinked term, and the network address that corresponds to the recognized hyperlinked term.</p>	<p>(Claims 17 and 34). receiving a selection command of a topic relating to a broadcast program by recording in the universal-time table a time corresponding to perception of said topic;</p> <p>determining a universal time corresponding to receipt of the selection command, wherein the universal time is based on a universal timing system;</p>
<p>(Claims 21 and 29). providing a Speech Hyperlink table comprising a plurality of entries, each entry of the plurality of entries comprising a hyperlinked term and a corresponding network address of a network, said network address linking the hyperlinked term to information relating to the hyperlinked term, said information being on a server of the network</p> <p>ascertaining, from the Speech Hyperlink table, a network address that corresponds to the recognized hyperlinked term</p>	<p>obtaining from a server over a network, information associated with at least one hyperlink defined in the broadcast program and having a universal time interval associated therewith that corresponds to the universal time of receipt of the selection command, the universal time interval based on a synchronization of a local time and the universal timing system, wherein the information comprises a destination address within the network for accessing multimedia information;</p>
<p>(Claims 21 and 29). generating a record in the Speech Hyperlink-Time table, said record comprising the universal time, the</p>	<p>(Claims 17 and 34). storing the obtained destination address at a the user device, wherein the local time is based on a location of the user device.</p>

recognized hyperlinked term, and the network address that corresponds to the recognized hyperlinked term.	
(Claims 21 and 29). generating a record in the Speech Hyperlink-Time table, said record comprising the universal time, the recognized hyperlinked term, and the network address that corresponds to the recognized hyperlinked term.	Claim 19. wherein determining a universal time further comprises recording the determined universal in the universal-time table of the channel.
Claim 32. The method of claim 31, said method further comprising:  selecting a record of the Selections Hyperlink-Time table;  using a network address in the selected record to link to information relating to a hyperlinked term in the selected record;  retrieving the information from a server of the network that comprises the information; and  displaying the retrieved information on the auditor device.	Claim 20. wherein obtaining from a server over a network further comprises retrieving the address for accessing the information associated with the at least one hyperlink from the universal-time table and obtaining the information utilizing the retrieved address.  Claim 27. The method of Claim 25, further comprising displaying the retrieved multimedia information on the user device.
Claim 31. Storing the received hyperlinked term and its associated network address in a record of the Selections Hyperlink-Time table tat comprises to the selected universal time.	Claim 21. further comprising storing the obtained destination address in the universal-time table.
Claim 35. The method of claim 30, wherein the network is an Internet, wherein the network address is a Universal Resource Locator (URL), wherein the information is a web page, and wherein the server is a web server.	Claim 29. The method of Claim 24 wherein the network comprises an Internet Protocol network, the server comprises a web server, the user device comprises a web browser, the destination address comprises a universal resource locator and the multimedia information comprises a web page.

More specifically, it would have been obvious to a person having ordinary skill in the art at the time of the invention that the “selection command” provided by the

copending application 10/477,865 as claimed in claim 17 is not significantly different from the spoken “hyperlinked term” as provided in the instant application claim 21, as both are related to a hyperlink with information associated with the selection command or hyperlinked term. Also, the topics relating to a broadcast program as provided in claim 17 of the copending application are not significantly different from the speech or hyperlinked terms of the radio or television programs as provided by claims 21 and 27 of the instant application.

4. Claims 21, 30-32, 35, 37-38, and 40-47 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24-25, and 27-34, 36-42, 44-45, 47-49, 51-52, and 54-55 of copending Application No. 10/545,351. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope claiming methods, system, and computer programs for retrieving hyperlinks related to topics in a broadcast.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Instant Application

Application 10/545,351

<p>Claim 21. A method for generating a Speech Hyperlink-Time table in conjunction with a system of universal time that provides a same absolute time for every geographical location on Earth, said method comprising:</p> <p>providing a Speech Hyperlink table comprising a plurality of entries, each entry of the plurality of entries comprising a hyperlinked term and a corresponding network address of a network, said network address linking the hyperlinked term to information relating to the hyperlinked term, said information being on a server of the network;</p> <p>and while a speech is being spoken by a speaker, recognizing each hyperlinked term of the Speech Hyperlink table being spoken by the speaker, said recognizing being performed by a speech recognition system on a computing device, and for each recognized hyperlinked term:</p> <p>determining a universal time at which the hyperlinked term was recognized.</p>	<p>Claims 24 and 33. A method and system, used in conjunction with a wireless device, for retrieving in real-time one or a plurality of hyperlinks related to a topic selected during a broadcast of a program on a channel, said method comprising:</p> <p>responsive to a command that selected the topic during the broadcast of the program on the channel, sending a first request for retrieving a universal-time and an address of a server associated with the channel, said first request being directed to a wireless internet gateway connected to the server via a communication network, said universal-time pertaining to when the command was performed;</p> <p>receiving the universal-time and the address of the server from the wireless internet gateway in response to the first request.</p>
<p>Claims 31 and 41. The method and system of claims 30 and 40, said auditor device being coupled to the speech server through the network, said method further comprising selecting at least one universal time from the Selections Hyperlink-Time table and for each selected universal time:</p> <p>sending the selected universal time to the speech server; receiving from the speech server a hyperlinked term and its associated network address appearing in a record of the Speech Hyperlink-Time table whose included universal time is closest to</p>	<p>(Claims 24 and 33).</p> <p>sending a second request to the server via the wireless internet gateway using the received address of the server, for retrieving the one or a plurality of hyperlinks related to the selected topic, said second request transmitting to the server the received universal-time from which the one or plurality of hyperlinks may be determined by the server;</p> <p>retrieving the one or plurality of hyperlinks from the server via the wireless internet gateway; and</p>



<p>the selected universal time and does not exceed the selected universal time; and</p> <p>storing the received hyperlinked term and its associated network address in a record of the Selections Hyperlink-Time table that comprises to the selected universal time.</p>	<p>recording the retrieved one or plurality of hyperlinks.</p>
<p>Claims 38 and 46.</p> <p>wherein the auditor device is selected from the group consisting of a workstation, a portable computer, a personal digital assistant (PDA), a smart phone, and any other type of hand held computing device.</p>	<p>(Claims 24 and 33).</p> <p>wherein said sending the first request, said receiving the universal-time and the address of the server, said sending the second request, said retrieving the one or plurality of hyperlinks, and said recording the retrieved one or plurality of hyperlinks are performed by the wireless device.</p>
<p>(Claim 21).</p> <p>generating a record in the Speech Hyperlink-Time table, said record comprising the universal time, the recognized hyperlinked term, and the network address that corresponds to the recognized hyperlinked term</p>	<p>Claims 25, 34, 44, and 51.</p> <p>wherein the server comprises a table that associates the one or a plurality of hyperlinks with a time interval that comprises the universal- time, thereby enabling the server to determine the one or a plurality of hyperlinks from the universal-time</p>
<p>Claims 23, 34, and 44.</p> <p>said determining the universal time comprising determining the universal time by a Global Positioning System (GPS) receiver.</p>	<p>Claims 27, 36, 45, and 52.</p> <p>wherein said receiving the universal-time from the wireless internet gateway is performed after the wireless internet gateway received the universal-time from a Global Positioning System (GPS).</p>
<p>Claims 30 and 40.</p> <p>for each selection command entered: determining a universal time at which the selection command was entered and recording the determined universal time in a record of a Selections Hyperlink-Time table comprised by the auditor device.</p>	<p>Claims 28 and 37.</p> <p>wherein the method further comprises: storing, by the wireless device, the received address of the server, the received universal- time, and the retrieved one or plurality of hyperlinks in a selections table.</p>
<p>Claims 32 and 42.</p> <p>said method further comprising: selecting a record of the Selections Hyperlink-Time table; using a network address in the selected record to link to information relating to a hyperlinked term in the selected record; retrieving the information from a server of</p>	<p>Claims 29 and 38.</p> <p>wherein the method further comprises: selecting from the selections table a hyperlink of the one or plurality of hyperlinks; activating the selected hyperlink using a browser program installed on the wireless device; and</p>

the network that comprises the information; and displaying the retrieved information on the auditor device.	accessing information related to the selected topic on a server connected to the communication network at a destination address of the hyperlink, wherein said selecting from the selections table, said activating the selected hyperlink, and said accessing information are performed by the wireless device.
Claims 38 and 46. wherein the auditor device is selected from the group consisting of a workstation, a portable computer, a personal digital assistant (PDA), a smart phone, and any other type of hand held computing device.	Claims 30 and 39. wherein the wireless device is a mobile wireless device selected from the group consisting of a cellular phone, a Personal Data Assistant (PDA), a wearable computer, and a notebook computer.
Claims 25, 35, and 45. wherein the network is an Internet, wherein the network address is a Universal Resource Locator (URL), wherein the information is a web page, and wherein the server is a web server.	Claims 31, 40, 47, and 54. wherein the communication network is an Internet Protocol (IP) network, wherein the server is a web server, wherein the wireless device comprises a web browser, and wherein the address of the server is a Uniform Resource Locator (URL) address.
Claim 37. said entering, determining, and recording being performed or facilitated by a computer program having instructions executed on the auditor device.	Claims 32 and 41. wherein the wireless device comprises a computer program having instructions therein, and wherein said sending the first request, said receiving the universal-time and the address of the server, said sending the second request, said retrieving the one or plurality of hyperlinks, and said recording the retrieved one or plurality of hyperlinks are performed by execution of the instructions in the wireless device.
Claim 21. A method for generating a Speech Hyperlink-Time table in conjunction with a system of universal time that provides a same absolute time for every geographical location on Earth, said method comprising:  providing a Speech Hyperlink table comprising a plurality of entries, each entry of the plurality of entries comprising a hyperlinked term and a corresponding	Claims 42 and 49. A method and system, used in conjunction with a wireless internet gateway, for retrieving in real-time one or a plurality of hyperlinks related to a topic selected during a broadcast of a program on a channel, said method comprising:  responsive to a first request received by the wireless internet gateway from a wireless device for a universal-time and an address of a server associated with the

<p>network address of a network, said network address linking the hyperlinked term to information relating to the hyperlinked term, said information being on a server of the network; and</p> <p>while a speech is being spoken by a speaker, recognizing each hyperlinked term of the Speech Hyperlink table being spoken by the speaker, said recognizing being performed by a speech recognition system on a computing device, and for each recognized hyperlinked term:</p> <p>determining a universal time at which the hyperlinked term was recognized.</p>	<p>channel, retrieving the universal-time from a system adapted to determine the universal-time, identifying the address of the server, and sending the retrieved universal-time and the identified address of the server to the wireless device, said universal-time pertaining to when a command selecting the topic during the broadcast of the program on the channel was performed, said wireless internet gateway being connected to the server via a communication network.</p>
<p>Claims 31 and 41.</p> <p>said auditor device being coupled to the speech server through the network, said method further comprising selecting at least one universal time from the Selections Hyperlink-Time table and for each selected universal time:</p> <p>sending the selected universal time to the speech server;</p> <p>receiving from the speech server a hyperlinked term and its associated network address appearing in a record of the Speech Hyperlink-Time table whose included universal time is closest to the selected universal time and does not exceed the selected universal time.</p>	<p>(Claims 42 and 49).</p> <p>after sending the retrieved universal-time and the identified address of the server to the wireless device, and responsive thereafter to a second request received by the wireless internet gateway from the wireless device for retrieving the one or a plurality of hyperlinks from the server using the address of the server, retrieving the one or plurality of hyperlinks from the server and transmitting the retrieved one or plurality of hyperlinks to the wireless device.</p>
<p>Claims 38 and 46.</p> <p>wherein the auditor device is selected from the group consisting of a workstation, a portable computer, a personal digital assistant (PDA), a smart phone, and any other type of hand held computing device.</p>	<p>(Claims 42 and 49).</p> <p>wherein said retrieving the universal-time, said identifying the address of the server, said sending the universal-time and the address of the server are performed by the wireless internet, and said retrieving the one or plurality of hyperlinks are performed by the wireless internet gateway.</p>
<p>Claim 37.</p> <p>said entering, determining, and recording being performed or facilitated by a computer program having instructions</p>	<p>Claims 48 and 55.</p> <p>wherein the wireless internet gateway comprises a computer program having instructions therein, and wherein said</p>

executed on the auditor device.	retrieving the universal-time, said identifying the address of the server, said sending the universal-time and the address of the server are performed by the wireless internet, and said retrieving the one or plurality of hyperlinks are performed by execution of the instructions in the wireless internet gateway.
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More specifically, it would have been obvious to a person having ordinary skill in the art at the time of the invention that the “command” provided by the copending application 10/545,351 as claimed in claims 24, 33, 42 and 49 is not significantly different from the spoken “hyperlinked term” as provided in the instant application claim 21, as both are related to a hyperlink with information associated with the selection command or hyperlinked term. Also, the topics relating to a broadcast program as provided in claims 24, 33, 42, and 49 of the copending application are not significantly different from the speech or hyperlinked terms of the radio or television programs as provided by claims 21 and 27 of the instant application.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 28-29, 37, and 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 28-29, 37, and 39, applicant claims a computer program. Computer programs *per se* are not physical "things," they are neither computer components nor statutory processes, as they are not "acts" being performed. In other words, computer programs *per se* are nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holley et al. (US Patent 6,604,076), hereinafter Holley, in view of Wang et al. (US 2002/0083060), hereinafter Wang.

As per claim 21, Holley et al. teach a method for generating a Speech Hyperlink-Time table in conjunction with a system of universal time that provides a same absolute time for every geographical location on Earth, said method comprising:

providing a Speech Hyperlink table comprising a plurality of entries, each entry of the plurality of entries comprising a hyperlinked term and a corresponding network address of a network, said network address linking the hyperlinked term to information relating to the hyperlinked term, said information being on a server of the network (Fig. 3 and Col. 5, lines 1-10, also Col. 2, lines 3-7); and

while a speech is being spoken by a speaker, recognizing each hyperlinked term of the Speech Hyperlink table being spoken by the speaker, said recognizing being performed by a speech recognition system on a computing device, and for each recognized hyperlinked term (Col. 1, lines 53-61):

ascertaining, from the Speech Hyperlink table, a network address that corresponds to the recognized hyperlinked term (Fig. 3 and Col. 5, lines 1-10).

However, Holley does not specifically mention  
determining a universal time at which the hyperlinked term was recognized; and  
generating a record in the Speech Hyperlink-Time table, said record comprising the universal time, the recognized hyperlinked term, and the network address that corresponds to the recognized hyperlinked term.

Conversely, Wang teaches

determining a universal time at which the hyperlinked term was recognized (Paragraph [0107], more specifically, lines 9-22, also paragraph [0105], more specifically, lines 8-16); and

generating a record in the Speech Hyperlink-Time table, said record comprising the universal time, the recognized hyperlinked term, and the network address that corresponds to the recognized hyperlinked term (Paragraph [0107], more specifically, lines 9-22, and paragraph [0105]. It is noted that Wang does not specifically mention a record in the form of a table, however, it would have been obvious to a person having ordinary skill in the art at the time of the invention that, as described in paragraph [0105] and paragraph [0107], lines 9-14 and 19-22, a report is generated wherein all the information related to the recognition result is provided including the time of recognition and hyperlinks, and that it would have been obvious to choose any type of data structure, such as a table, list, or array, to better provide the information data in an organized manner.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the features of determining a universal time at which the hyperlinked term was recognized; and generating a record in the Speech Hyperlink-Time table, said record comprising the universal time as taught by Wang for Holley's method because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claim 22, Holley, as modified above, teach the method of claim 21. Holley does not, but Wang does teach wherein the system of universal time is selected from the group consisting of a system of Global Positioning System (GPS) time, a system of Universal Time Co-ordinated (UTC) time, a system of Greenwich Mean Time (GMT), and a system of time derived from a free-running atomic clock of a GPS satellite (Paragraph [0107], lines 19-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of universal time is selected from the group consisting of a system of Global Positioning System (GPS) time, a system of Universal Time Co-ordinated (UTC) time, a system of Greenwich Mean Time (GMT), and a system of time derived from a free-running atomic clock of a GPS satellite as taught by Wang for Holley's method because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claim 23, Holley, as modified above, teach the method of claim 21. Holley does not, but Wang does teach said determining the universal time comprising determining the universal time by a Global Positioning System (GPS) receiver (Paragraph [0107], lines 19-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the universal time comprising



determining the universal time by a Global Positioning System (GPS) receiver as taught by Wang for Holley's method because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claim 24, Holley, as modified above, teach the method of claim 21, said providing the Speech Hyperlink table comprising:

selecting the hyperlinked terms from a text of the speech (Col. 1, lines 53-58).

However, Holley does not specifically mention

for each selected hyperlinked term: identifying a network address corresponding to the selected hyperlinked term and storing, in the Speech Hyperlink table, an entry comprising the selected hyperlinked term and its identified corresponding network address.

Conversely, Wang does teach

for each selected hyperlinked term: identifying a network address corresponding to the selected hyperlinked term and storing, in the Speech Hyperlink table, an entry comprising the selected hyperlinked term and its identified corresponding network address (Paragraph [0047], lines 7-10, and paragraph [0105], more specifically, lines 8-16. It is noted that Wang does not specifically mentions storing the hyperlinked term and its corresponding network address in a table, however, it would have been obvious to a person having ordinary skill in the art at the time of the invention to choose any type of data structures, such as a table, list, or array, in order to better provide the

information data (generated report that includes the results of the recognition as well as hyperlinks) in an organized manner.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of for each selected hyperlinked term: identifying a network address corresponding to the selected hyperlinked term and storing, in the Speech Hyperlink table, an entry comprising the selected hyperlinked term and its identified corresponding network address as taught by Wang for Holley's method because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claim 25, Holley, as modified above, teach the method of claim 21, wherein the network is an Internet, wherein the network address is a Universal Resource Locator (URL), wherein the information is a web page, and wherein the server is a web server (Col. 1, lines 22-25, and Col. 4, lines 23-27).

As per claim 26, Holley, as modified above, teach the method of claim 21, said method further comprising prior to said recognizing:

training the speech recognition system to recognize the hyperlinked terms as the hyperlinked terms are pronounced during the speech (Col. 4, lines 46-67).

As per claim 27, Holley, as modified by Wang, teach the method of claim 21. Holley does not, but Wang does teach wherein the speech is comprised by a radio program or a television program (Paragraph [0037], lines 20-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the speech is comprised by a radio program or a television program as taught by Wang for Holley's method because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claim 28, Holley, as modified above, teaches the method of claim 21, said ascertaining being performed by a computer program having instructions executed on the computing device (Col. 3, lines 46-53).

However, Holley does not specifically mention said determining and generating being performed by a computer program having instructions executed on the computing device.

Conversely, Wang teaches said determining and generating being performed by a computer program having instructions executed on the computing device (Paragraph [0023]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of said determining and generating being performed by a computer program having instructions executed on the computing

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device as taught by Wang for Holley's method because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claim 29, Holley, as modified above, teaches a computer program comprising instructions adapted to perform the method of claim 21 while being executed on the computing device (Col. 3, lines 46-53).

As per claims 30 and 40, Holley teaches a method and computing system comprising an auditor device for processing a speech in conjunction with a system of universal time that provides a same absolute time for every geographical location on Earth, said method comprising:

entering at least one selection command on an auditor device, said auditor device being a computing device, each selection command entered in real-time response to a spoken hyperlinked term of the speech (Col. 1, lines 53-58).

However, Holley does not specifically mention each spoken hyperlinked term appearing in a record of a plurality of records of a Speech Hyperlink-Time table comprised by a speech server, each record of the Speech Hyperlink-Time table comprising a hyperlinked term of the speech, a universal time at which the hyperlinked term was spoken during the speech, and a network address linking the hyperlinked term

to information relating to the hyperlinked term, said information being on a server of a network; and

for each selection command entered: determining a universal time at which the selection command was entered and recording the determined universal time in a record of a Selections Hyperlink-Time table comprised by the auditor device.

Conversely, Wang does teach each spoken hyperlinked term appearing in a record of a plurality of records of a Speech Hyperlink-Time table comprised by a speech server, each record of the Speech Hyperlink-Time table comprising a hyperlinked term of the speech, a universal time at which the hyperlinked term was spoken during the speech, and a network address linking the hyperlinked term to information relating to the hyperlinked term, said information being on a server of a network (Paragraph [0107], more specifically, lines 9-22, and paragraph [0105]. Also, It is noted that Wang does not specifically mention a record in the form of a table, however, it would have been obvious to a person having ordinary skill in the art at the time of the invention that, as described in paragraph [0105] and paragraph [0107], lines 9-14 and 19-22, a report is generated wherein all the information related to the recognition result is provided including the time of recognition and hyperlinks, and also it would have been obvious to choose any type of data structure, such as a table, list, or array, to better provide the information data in an organized manner.); and

for each selection command entered: determining a universal time at which the selection command was entered and recording the determined universal time in a record of a Selections Hyperlink-Time table comprised by the auditor device (Paragraph

[0107], more specifically, lines 9-22, also paragraph [0105], more specifically, lines 8-16. It is noted that Wang does not specifically mention a record in the form of a table, however, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have chosen any type of data structure, such as a table, list, or array, to better provide the information data in an organized manner).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the features of each spoken hyperlinked term appearing in a record of a plurality of records of a Speech Hyperlink-Time table comprised by a speech server, each record of the Speech Hyperlink-Time table comprising a hyperlinked term of the speech, a universal time at which the hyperlinked term was spoken during the speech, and a network address linking the hyperlinked term to information relating to the hyperlinked term, said information being on a server of a network; and for each selection command entered: determining a universal time at which the selection command was entered and recording the determined universal time in a record of a Selections Hyperlink-Time table comprised by the auditor device.

as taught by Wang for Holley's method and computing system because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claims 31 and 41, Holley, as modified above, teaches the method and computing system of claims 30 and 40, respectively. Holley does not, but Wang does

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teach said auditor device being coupled to the speech server through the network, said method further comprising selecting at least one universal time from the Selections Hyperlink-Time table and for each selected universal time:

    sending the selected universal time to the speech server (Paragraph [0107], more specifically, lines 9-14 and 16-22. It is noted that Wang does not specifically mention sending the selected universal time to the speech server, however it would have been obvious to a person having ordinary skill in the art at the time of the invention that information in the created log file could be searched for by using any of the stored related information for each recognition log in order to be able "to link directly computer-implemented music recognition with Internet purchasing and other Internet-based services" (Paragraph [0003], lines 14-18).);

    receiving from the speech server a hyperlinked term and its associated network address appearing in a record of the Speech Hyperlink-Time table whose included universal time is closest to the selected universal time and does not exceed the selected universal time (Paragraph [0107], more specifically, lines 9-14 and 16-22 and paragraph [0105], more specifically, lines 8-16. It is noted that Wang does not specifically mention receiving from the speech server the hyperlink term and its associated network address, however it would have been obvious to a person having ordinary skill in the art at the time of the invention that information in the created log file could be provided by the selection of the log file with the stored related information for each log in order to be able "to link directly computer-implemented music recognition

with Internet purchasing and other Internet-based services" (Paragraph [0003], lines 14-18).); and

storing the received hyperlinked term and its associated network address in a record of the Selections Hyperlink-Time table that comprises to the selected universal time (Paragraph [0107], more specifically, lines 9-22, also paragraph [0105], more specifically, lines 8-16.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the features of sending the selected universal time to the speech server, receiving the hyperlinked term and its associated network address, and storing the received hyperlinked term and its associated network address as taught by Wang for Holley's method and computing system because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claims 32 and 42, Holley, as modified above, teaches the method and computing system of claims 31 and 41, respectively. Holley does not, but Wang does teach said method further comprising:

selecting a record of the Selections Hyperlink-Time table (Paragraph [0107], more specifically, lines 9-14);



using a network address in the selected record to link to information relating to a hyperlinked term in the selected record (Paragraph [0107], more specifically lines 9-14, and paragraph [0105], lines 13-16);

retrieving the information from a server of the network that comprises the information (Paragraph [0107], more specifically lines 9-14, and paragraph [0105], lines 13-16); and

displaying the retrieved information on the auditor device (Paragraph [0107], more specifically, lines 9-14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the features of selecting a record of the Selections Hyperlink-Time table, using a network address in the selected record to link to information relating to a hyperlinked term in the selected record, retrieving the information from a server of the network that comprises the information, and displaying the retrieved information on the auditor device as taught by Wang for Holley's method and computing system because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10), and to be able to link directly computer-implemented music recognition with Internet purchasing and other Internet-based services (Paragraph [0003], lines 14-18).

As per claims 33 and 43, Holley, as modified above, teach the method and computing system of claims 30 and 40, respectively. Holley does not, but Wang does

teach wherein the system of universal time is selected from the group consisting of a system of Global Positioning System (GPS) time, a system of Universal Time Co-ordinated (UTC) time, a system of Greenwich Mean Time (GMT), and a system of time derived from a free-running atomic clock of a GPS satellite (Paragraph [0107], lines 19-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of universal time is selected from the group consisting of a system of Global Positioning System (GPS) time, a system of Universal Time Co-ordinated (UTC) time, a system of Greenwich Mean Time (GMT), and a system of time derived from a free-running atomic clock of a GPS satellite as taught by Wang for Holley's method and computing system because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claims 34 and 44, Holley, as modified above, teach the method and computing system of claims 30 and 40, respectively. Holley does not, but Wang does teach said determining the universal time comprising determining the universal time by a Global Positioning System (GPS) receiver at the auditor device (Paragraph [0107], lines 19-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the universal time comprising

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determining the universal time by a Global Positioning System (GPS) receiver as taught by Wang for Holley's method and computing system because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claims 35 and 45, Holley, as modified above, teach the method of claims 30 and 40, respectively, wherein the network is an Internet, wherein the network address is a Universal Resource Locator (URL), wherein the information is a web page, and wherein the server is a web server (Col. 1, lines 22-25, and Col. 4, lines 23-27).

As per claims 36 and 47, Holley, as modified above, teach the method and computing system of claims 30 and 40. Holley does not, but Wang does teach wherein the speech is comprised by a radio program or a television program (Paragraph [0037], lines 20-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of the speech is comprised by a radio program or a television program as taught by Wang for Holley's method and computing system because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claim 37, Holley, as modified above, teach the method of claim 30, said entering being performed or facilitated by a computer program having instructions executed on the auditor device (Col. 3, lines 46-53).

However, Holley does not specifically mention said determining and recording being performed by a computer program having instructions executed on the auditor device.

Conversely, Wang teaches said determining and recording being performed by a computer program having instructions executed on the auditor device (Paragraph [0023]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of said determining and recording being performed by a computer program having instructions executed on the computing device as taught by Wang for Holley's method because Wang provides a method for recognition of audio signals including speech, music, advertisements, sonar signatures, or other sounds, for content-based information retrieval (Paragraphs [0002] and [0047], lines 7-10).

As per claims 38 and 46, Holley, as modified above, teach the method and computing system of claims 30 and 40, respectively, wherein the auditor device is selected from the group consisting of a workstation, a portable computer, a personal digital assistant (PDA), a smart phone, and any other type of hand held computing device (Col. 1, lines 53-58).

As per claim 39, Holley, as modified above, teach a computer program comprising instructions adapted to perform the method of claim 30 while being executed on the auditor device (Col. 3, lines 46-53).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATALIE LENNOX whose telephone number is (571)270-1649. The examiner can normally be reached on Monday to Friday 9:30 am - 7 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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NL 06/05/2008

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